

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 06-121
	)	
2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 02-277
	)	
Cross-Ownership of Broadcast Stations and Newspapers	)	MM Docket No. 01-235
	)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations In Local Markets	)	MM Docket No. 01-317
	)	
Definition of Radio Markets	)	MM Docket No. 00-244

**SECOND PROTECTIVE ORDER**

**Adopted: October 16, 2007**

**Released: October 16, 2007**

By the Chief, Media Bureau:

1. On September 5, 2007, the Commission released a Protective Order (“Protective Order”) in the above-captioned proceeding relating to public access to certain proprietary data sets created by the authors for several media ownership studies.<sup>1</sup> The studies are part of the record of the media ownership proceeding, and the Commission has invited public comment on the studies and their applicability to the questions posed in the Quadrennial Review FNPRM.<sup>2</sup>

2. The Commission has received a request from certain commenters for expanded access to the DVD copies of news program video clips used in Study 6, *The Effects of Cross-Ownership on the Local Content and Political Slant of Local Television News* (Author: Jeffrey Milyo, Center for Applied Economics, University of Kansas, School of Business; Department of Economics and Truman School of Public Affairs, University of Missouri) (the “Study 6 DVDs”). Under the Protective Order, the

<sup>1</sup> *In re 2006 Quadrennial Regulatory Review*, Protective Order, DA 07-3741 (rel. Sept. 5, 2007).

<sup>2</sup> *FCC Seeks Comment on Research Studies On Media Ownership*, Public Notice, DA 07-3470 (rel. Jul. 31, 2007). By Public Notice dated September 28, 2007, the Commission extended the comment and reply comment due dates to October 22, 2007 and November 1, 2007, respectively. *See Media Bureau Extends Filing Deadlines for Comments on Media Ownership Studies*, Public Notice, DA 07-4097 (rel. Sept. 28, 2007).

Commission agreed to make the Study 6 DVDs available for viewing at FCC headquarters upon request. The requesting commenters argue that the large number of DVDs makes it impractical to review the contents on-site and have requested copies of the Study 6 DVDs for viewing off-site.

3. The Commission has determined that expanded public access to the Study 6 DVDs will assist the public with providing useful comments and thoughtful, well-researched analysis of the Commission's economic studies. Accordingly, the Commission will make copies of the Study 6 DVDs available upon request pursuant to the procedures set forth in this Second Protective Order.

4. Modification of Protective Order. The Protective Order is hereby modified to permit off-site access to the Study 6 DVDs under the restrictions set forth below. Unless otherwise modified herein, (a) all provisions of the Protective Order shall remain in full force and effect; and (b) defined terms shall have the same meaning as specified in the Protective Order.

5. Availability of Copies of the Study 6 DVDs. Copies of the Study 6 DVDs shall only be made available to the Commission and to Authorized Representatives of the Reviewing Parties. Before any Authorized Representative of a Reviewing Party may receive copies of the Study 6 DVDs, such Authorized Representative must execute the attached Declaration. Such executed Declarations must be furnished to the Media Bureau at the time the request to receive copies of the Study 6 DVDs is made.

6. Prohibition Against Copying. An Authorized Representative of a Reviewing Party who receives copies of the Study 6 DVDs pursuant to this Second Protective Order may not make additional copies of the Study 6 DVDs for any purpose whatsoever.

7. Ownership of Copies; No Grant of Intellectual Property Rights. Copies of the Study 6 DVDs provided to an Authorized Representative shall remain the sole property of the Federal Communications Commission and must be surrendered upon request or upon the date set forth in Paragraph 9, below. No patent, copyright, trademark or other intellectual property rights are licensed, granted, or otherwise transferred by this Second Protective Order or any disclosure hereunder, except for the right to view and use the copies of the Study 6 DVDs in such ways that constitute fair use of the materials and that are done in accordance with the terms of this Second Protective Order.

8. Violations of Protective Order. Should a Reviewing Party that has properly obtained copies of the Study 6 DVDs under this Second Protective Order violate any of its terms, it shall immediately convey that fact to the Media Bureau. Further, should such violation consist of improper copying of the Study 6 DVDs, the violating party shall take all necessary steps to remedy the violation, including return or destruction of the infringing copies. The Commission retains authority to fashion appropriate sanctions for violations of this Second Protective Order, including but not limited to suspension or disbarment of attorneys from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to the Study 6 DVDs or the Data Sets.

9. Expiration of Authorization and Required Return of Copies. Authorized Representatives receiving copies of the Study 6 DVDs shall return all such copies to the Commission upon request or no later than six (6) months from the date of release of this Second Protective Order, whichever comes first.

10. Authority. This Second Protective Order is issued pursuant to sections 4(i) and 4(j) of the Communications Act as amended, 47 U.S.C. §§ 154(i), (j), and 47 C.F.R. §§ 0.91, 0.291, and 0.457(d).

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai  
Chief, Media Bureau

**ATTACHMENT A**

DECLARATION

In the Matter of 2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 (MB Dockets No. 06-121, 02-277 and MM Docket Nos. 01-235, 01-317, and 00-244)

I, \_\_\_\_\_, hereby declare under penalty of perjury that I have read the Second Protective Order that has been entered by the Media Bureau in this docket, and that I agree to be bound by its terms pertaining to the treatment of the copies of the Study 6 DVDs. I affirm that I shall not make further copies of the Study 6 DVDs, nor shall I assist or permit others to make further copies of the Study 6 DVDs, and I shall return all copies upon request or no later than six (6) months from the date of release of this Second Protective Order, whichever comes first. I acknowledge that a violation of the Second Protective Order is a violation of an order of the Media Bureau.

(signed) \_\_\_\_\_

(printed name) \_\_\_\_\_

(representing) \_\_\_\_\_

(title) \_\_\_\_\_

(employer) \_\_\_\_\_

(address) \_\_\_\_\_

(phone) \_\_\_\_\_

(date) \_\_\_\_\_